

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 26, 2005.

Jacob N. Erlich
Reg. No. 24,338

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Russell L. Couturier

Serial Number: 10/531,221

Filed: April 13, 2005

For: **LOAD TESTING METHODS AND SYSTEMS WITH TRANSACTION
VARIABILITY AND CONSISTENCY**

Attorney Docket: 10040239-3

Group Art Unit: TBD

Examiner: TBD

AGILENT TECHNOLOGIES, INC.
Intellectual Property Administration
Legal Department, DL 429
P.O. Box 7599
Loveland, CO 80537-0599

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

11/02/2005 ATRAH1 00000080 10531221

UNDER 35 U.S.C. 371

01 FC:1617 130.00 DA

Sir:

Transmitted herewith for the above-identified application are the following:

1. Missing Parts Transmittal Form;
2. Copy of Notification of Missing Requirements;
4. One (1) executed Declaration and Power of Attorney by the inventor Russell L. Couturier; and
5. Two (2) return receipt postcards.

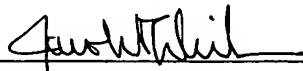
The surcharge of \$130.00 for the late submission of the declaration, as well as any deficiencies or credits, are authorized to be charged to Deposit Account No. 50-1078.

In accordance with Section 714.01 of the MPEP, the following information is presented in the event that a call may be deemed desirable by the Examiner:

JACOB N. ERLICH (617) 854-4000.

Respectfully submitted,
Russell L. Couturier, et al., Applicants

Dated: October 26, 2005

By: 

Jacob N. Erlich
Reg. No. 24,338
Attorney for Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 26 2005

AGILENT LEGAL

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1430
Alexandria, Virginia 22313-1430
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/531,221	Russell L Couturier	10040239-3 (28579-190)

022878
AGILENT TECHNOLOGIES, INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.
P.O. BOX 7599
M/S DL429
LOVELAND, CO 80537-0599

INTERNATIONAL APPLICATION NO.

PCT/US03/32724

LA. FILING DATE

10/16/2003

PRIORITY DATE

10/16/2002

11/20/05
US ACTION _____
DUE DATE _____
Paper Dated _____
OA _____
Mtg Fr _____
Appeal _____
Other _____

CONFIRMATION NO. 7820

371 FORMALITIES LETTER

OC000000017051880

Date Mailed: 09/20/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/13/2005
- Copy of the International Search Report filed on 04/13/2005
- Information Disclosure Statements filed on 04/13/2005
- Oath or Declaration filed on 04/13/2005
- U.S. Basic National Fees filed on 04/13/2005
- Priority Documents filed on 04/13/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - First inventor Mr. Russell L Couturier signature is missing
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/531,221	PCT/US03/32724	10040239-3 (28579-190)

FORM PCT/DO/EO/905 (371 Formalities Notice)



AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

JCO6 Rec'd PCT 28 OCT 2005

ATTORNEY DOCKET NO. 10040239-3

#4.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Russell L. Couturier et al.

Serial No.: 10/531,221

Examiner: TBD

Filing Date: April 13, 2005

Group Art Unit: TBD

Title: LOAD TESTING METHODS AND SYSTEMS WITH TRANSACTION VARIABILITY AND CONSISTENCY

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR SUBMITTAL OF MISSING PARTS

Sir:

This is in response to a Notice to File Missing Parts of Application under 37 CFR 1.53(f) mailed on September 20, 2005. Enclosed is a copy of said Notice and the following documents and fees to complete the filing requirements of the above-identified application.

☒ Executed Declaration and Power of Attorney. The above-identified application is the same application which the inventor executed by signing the enclosed declaration.

☐ Statutory basic filing fee:

☐ Utility \$1000.00

☐ Design \$430.00

☐ Additional claim fees of \$

☒ Missing Parts Surcharge \$130.00

☐ A Petition for Extension of Time for reply to Notice of Missing Parts is attached.

<input type="checkbox"/> One month	\$ 120.00
<input type="checkbox"/> Two months	\$ 450.00
<input type="checkbox"/> Three months	\$1020.00
<input type="checkbox"/> Four months	\$1590.00

Please charge to Deposit Account **50-1078** the sum of \$130.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **50-1078** pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date of Deposit: October 26, 2005 OR

☐ I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents on the date shown below.

Date of Facsimile:

Typed Name: Jacob N. Erlich

Signature: Jacob N. Erlich

Respectfully submitted,

Russell L. Couturier et al.

By

Jacob N. Erlich

Jacob N. Erlich
Attorney/Agent for Applicant(s)

Reg. No. 24,338

Date: October 26, 2005

Telephone No. (617) 854-4000

11/02/2005 ATRAN1 00000080 501078 10531221

~~01-FC:1617~~ ~~130.00 DA~~